

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAVARIAN NORDIC A/S and)
ANTON MAYR,)
)
Plaintiffs,)
v.)
)
ACAMBIS INC. and)
ACAMBIS PLC,)
)
Defendants.)
)

C.A. No. 05-614 (SLR)

DEFENDANTS' PROPOSED VOIR DIRE TO JURY PANEL

Defendants Acambis, Inc. and Acambis plc hereby submit their Proposed Voir Dire to the Jury Panel for the above captioned litigation. On May 3, 2007, plaintiffs Bavarian Nordic and Anton Mayr filed their proposed voir dire questions with the Court. Plaintiffs did not confer with defendants before filing their proposed questions. Defendants have recited plaintiffs' questions 1-16 herein (making a few formatting and grammatical changes were necessary) and add questions 17 through 20.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

OF COUNSEL:

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Attorneys for Acambis Inc. and Acambis plc

Dated: May 4, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAVARIAN NORDIC A/S and)	
ANTON MAYR,)	
)	
Plaintiffs,)	
v.)	
)	C.A. No. 05-614 (SLR)
ACAMBIS INC. and)	
ACAMBIS PLC,)	
)	
Defendants.)	
)	

DEFENDANTS' PROPOSED VOIR DIRE TO JURY PANEL

Good morning, ladies and gentlemen. I am Judge Robinson, and I will be presiding over the trial for which a jury is about to be drawn in the case captioned **Bavarian Nordic, et. al. v. Acambis, et al.** Briefly stated, this case is a civil action brought by plaintiffs Bavarian Nordic and Anton Mayr against the defendants Acambis Inc. and Acambis plc.

The trial is expected to last from Tuesday, June 5th to Friday June 12th; our trial days will run approximately from 9:30 a.m. to 4:30 p.m.

Plaintiffs are represented by Edward Pennington, an attorney with Bingham & McCutchen, and John Shaw, an attorney with Young Conaway Stargatt & Taylor, LLP. Defendants are represented by William Coston, an attorney with the Venable law firm, and Mary Graham, an attorney with Morris Nichols Arsh & Tunnell, LLP.

In light of this brief summary, I will ask the panel certain questions, the purpose of which is to: (1) enable the court to determine whether or not any prospective juror should be excused for cause; and (2) enable counsel for the parties to exercise their

individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel. If any of you answer any question "yes," please stand up, and upon being recognized by the court, state your juror number. When I have concluded asking all the questions, we will call you to the bench individually to speak with you about your affirmative response or responses.

HAVE CLERK ADMINISTER THE OATH TO THE PANEL

1. Is any member of the panel personally acquainted with any officer, director, or employee of, or ever done business with Bavarian Nordic or Anton Mayr?
2. Is any member of the panel personally acquainted with any officer, director, or employee of, or ever done business with Acambis Inc. or Acambis plc?
3. Is any member of the panel related to, or personally acquainted with, any of the individuals listed in Attachment A?
4. Is any member of the panel personally acquainted with, or related to any of the attorneys listed in Attachment B, or ever been represented by them or by any associate or member of their law firm?
5. Is any member of the panel personally acquainted with any officer, director, or employee of, or ever done business with any of the companies listed in Attachment C?
6. Does any member of the panel have any personal knowledge of this case, or have you read or heard it discussed, or have an opinion regarding it?
7. Has any member of the panel ever been a plaintiff or defendant in a civil lawsuit?

8. Has any member of the panel ever served as a juror in a civil lawsuit concerning tortious conversion or unfair competition?

9. Does any member of the panel have any experience with, or knowledge of, virology, smallpox, HIV/AIDS, immune suppression?

10. Does any member of the panel have any experience with, or knowledge of, German law?

11. Has any member of the panel ever been employed as a laboratory researcher or served as a post doctoral student?

12. Does any member of the panel have any experience with, or knowledge of, the transfer of biological materials or technology transfer?

13. Does any member of the panel have any experience with, or knowledge of, government procurement and/or government contracts?

14. Do you believe that it would be wrong for someone to exclude others from the use of their property even if the public may benefit from the use of that property?

15. Does any member of the panel have any experience with, or knowledge of, the Department of Health and Human Services and/or the National Institutes of Health?

16. Has any member of the panel been personally affected by the September 11, 2001 terrorist attacks?

17. Has any member of the panel been vaccinated against smallpox?

18. Has any member of the panel served in the military or armed services, or have a close relative that has served in the military or armed services?

19. Has any member of the panel ever been employed by the Federal government?

20. Does any member of the panel read the New England Journal of Medicine, Science magazine, Scientific American, or the Journal of the American Medical Association?

21. Does any member of the panel have any special disability or problem that would make it difficult or impossible for you to serve as a member of the jury in this case?

22. Does any member of the panel know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to law?

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ James W. Parrett, Jr.

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Dated: May 4, 2007
820620

ATTACHMENT A

Witnesses

Anton Mayr
Ashley Stevens
Bernard Moss
Christine Meisinger
Clement Lewin
Cynthia Lee
David Einhorn
Elizabeth Brown
Gordon Cameron
John Jarosz
Joseph Straus
Karl Heller
Lars Villumsen
Linda Gritz
Louis Berneman
Miles Carroll
Nicholas Higgins
Paul Chaplin
Paul Howley
Peter Wulff
Phil Green
Anton Mayr
Robert Drillien
Roger McAvoy
Thomas Monath
Winfried Tilmann

ATTACHMENT B

Attorneys

BINGHAM McCUTCHEN LLP

Edward A. Pennington
Robert C. Bertin
Stephanie Scruggs
Krista L. Lynch

YOUNG CONAWAY STARGATT & TAYLOR LLP

John W. Shaw
Karen L. Pascale
D. Fon Muttamara-Walker

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

Mary B. Graham
Rodger D. Smith II
James W. Parrett, Jr.

VENABLE, LLP

William D. Coston
Jeffrey A. Dunn
Martin L. Saad
Tamany Vinson Bentz

ATTACHMENT C

Companies

Baxter
Therion Biologics
GeoVax, Inc.
Forschungzentrum fur Umwelt und Gesundheit (GSF)
Oxford BioMedica
Transgene
Oxxon Therapeutics, Inc.
Ascension
Vivacs GMBH
Emergent BioSolutions

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2007, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

John W. Shaw, Esquire
YOUNG CONAWAY STARGATT & TAYLOR LLP
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, DE 19801

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on May 4, 2007 upon the following individuals in the manner indicated:

BY E-MAIL

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Washington, DC 20007

/s/ James W. Parrett, Jr.

James W. Parrett, Jr. (#4292)